Convention on the Rights of Persons with Disabilities

Distr.: General
15 October 2018

Original: English
English, Russian and Spanish only

Committee on the Rights of Persons with Disabilities

List of issues prior to submission of the combined second and third periodic reports of Mongolia*

A. Purpose and general obligations (arts. 1–4)

1. Please describe measures taken and planned to:

(a) Ensure that national legislation, particularly laws on education, health and family affairs, and policies are brought into full compliance with the Convention, particularly regarding the interdependency of its provisions and the human rights model of disability;

(b) Ensure the full and effective participation of persons with disabilities in society, on an equal basis with others;

(c) Ensure the effective implementation of the 2016 law on the rights of persons with disabilities and the 2017 national programme on promoting the human rights, participation and development of persons with disabilities, with clear structures for policy coordination, benchmarks, timelines and adequate human and financial resources;

(d) Take all appropriate measures to abolish existing customs and practices that constitute discrimination against persons with disabilities, including in the private sector;

(e) Support and meaningfully involve representative organizations of persons with disabilities in the implementation and monitoring of the Convention;

(f) Ratify the Optional Protocol to the Convention.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

2. Please provide information on the measures taken to:

(a) Ensure that the anti-discriminatory frameworks in the Constitution and other legislation prohibit all forms of discrimination on the grounds of disability, as well as multiple and intersectional discrimination, in line with the Committee's general comment No. 6 (2018) on equality and non-discrimination;

(b) Include the definition of reasonable accommodation contained in the 2016 law on rights of persons with disabilities in other national legislation, particularly laws on education and labour, and adopt guidelines for the full and effective application of this right;

* Adopted by the Committee at its twentieth session (27 August–21 September 2018).

(c) Guarantee the effective functioning of the council for implementing the rights of persons with disabilities and thus efficient monitoring of the implementation of the law on the rights of persons with disabilities, while ensuring the participation of organizations of persons with disabilities in this work;

(d) Establish mechanisms through which victims of disability-related discrimination can obtain redress, including compensation;

(e) Provide public and private actors, including members of the judiciary, civil servants and representative organizations of persons with disabilities, with training on discrimination based on disability, the provisions of the law on the rights of persons with disabilities and their duties regarding the provision of reasonable accommodation for persons with disabilities.

Women with disabilities (art. 6)

3. Please provide information on the measures taken to ensure the effective participation of women and girls with disabilities and their representative organizations in the processes of decision-making, development, evaluation and monitoring of legislation, regulations and policies relating to their family lives, education, health services and employment, and on combating domestic and sexual violence.

Children with disabilities (art. 7)

4. Please provide information on the measures taken to:

(a) Ensure early intervention and support for children with disabilities, increase the enrolment of children with disabilities in primary education, and develop inclusive early childhood education and opportunities for vocational training for young people with disabilities;

(b) Provide support services for parents with disabilities and parents of children with disabilities;

(c) Prevent violence against and abuse and the abandonment of children with disabilities, particularly girls and children from rural areas and nomadic communities, and prohibit and prevent all forms of corporal punishment;

(d) Ensure the effective implementation of article 28 of the law on the rights of persons with disabilities concerning the meaningful involvement of children and young people with disabilities in shaping decisions that affect them, and their right to express their views.

Awareness-raising (art. 8)

5. Please provide information on the measures taken to strengthen awareness-raising campaigns, particularly in rural areas, aimed at combating stigma, stereotypes and prejudice against all persons with disabilities, particularly persons with psychosocial and/or intellectual disabilities, in all spheres of life. Please report on the outcome of such campaigns, in line with article 7 (1) (3) of the law on the rights of persons with disabilities.

Accessibility (art. 9)

6. Please provide information on the measures taken to:

(a) Broaden the State party's policy on accessibility to remove barriers to information and communications technologies;

(b) Increase the resources allocated to measures aimed at ensuring access to public transport, buildings and public spaces, in line with target 11.7 of the Sustainable Development Goals;

(c) Strengthen its monitoring and enforcement mechanisms on accessibility;

(d) Ensure commensurate sanctions for the non-fulfilment of accessibility standards provided for in legislation.

Situations of risk and humanitarian emergencies (art. 11)

7. Please indicate the measures taken to adopt a disaster risk reduction plan and strategies that explicitly provide for accessibility and inclusion of persons with disabilities in all situations of risk and humanitarian emergencies, including in training courses for emergency personnel and persons with disabilities, in line with the Sendai Framework for Disaster Risk Reduction 2015–2030.

Equal recognition before the law (art. 12)

8. Please provide information on the measures taken to:

(a) Amend the Civil Code with a view to eliminating all provisions allowing for deprivation of legal capacity of persons with disabilities, ensuring supported decision-making that respects the person's autonomy, will and preferences, and guaranteeing the right to give and withdraw informed consent for medical treatment, access to justice, to marry, to exercise parental rights, and to work;

(b) Ensure that legal, responsive and individualized support is available and affordable for all persons with disabilities, especially for persons with psychosocial and/or intellectual disabilities, to exercise their legal capacity in all areas of life;

(c) Provide training, in meaningful consultation and cooperation with persons with disabilities and their representative organizations, at the national, regional and local levels for all actors, including civil servants, judges and social workers, on the recognition of the legal capacity of persons with disabilities and on the mechanisms of supported decision-making.

9. Please provide information on the number of persons with disabilities who are deprived of their legal capacity.

Access to justice (art. 13)

10. Please provide information on the measures taken to:

(a) Implement the principle of procedural accommodation under article 27 of the law on the rights of persons with disabilities, including measures to ensure that persons with speech, physical and/or intellectual disabilities are not discriminated against and that law enforcement officers are properly trained about this principle;

(b) Provide free or affordable legal aid to ensure full access to judicial remedies, particularly for persons with disabilities who are still institutionalized.

Liberty and security of the person (art. 14)

11. Please provide information on the measures taken to:

(a) Review the procedures used to criminally charge persons with disabilities when they commit offences, in compliance with the general safeguards and guarantees established for all persons accused of a crime in the criminal justice system;

(b) Ensure the application of reasonable accommodation in prisons and detention centres in order not to aggravate detention conditions of persons with disabilities, and provide training to prison and detention centre personnel, particularly in rural areas.

Freedom from exploitation, violence and abuse (art. 16)

12. Please provide information on the measures taken to:

(a) Make protection mechanisms, including shelters and legal redress, accessible to persons with disabilities, particularly women and girls, who face exploitation, violence and abuse;

(b) Appoint an independent authority to monitor and protect persons with disabilities from exploitation, violence and abuse;

(c) Provide appropriate counselling for persons with disabilities, particularly those with psychosocial and/or intellectual disabilities, who have been exposed to violence or abuse in institutional settings.

Protecting the integrity of the person (art. 17)

13. Please provide information on the measures taken to abolish legal provisions that authorize the forced sterilization of and/or forced abortion for women with disabilities, particularly those with psychosocial and/or intellectual disabilities, without their free and informed consent.

Living independently and being included in the community (art. 19)

14. Please provide information on the measures taken to develop a deinstitutionalization plan, in meaningful consultation with persons with disabilities, that establishes support measures, including personal assistance to persons with disabilities, regardless of whether they have a family or not, and to establish independent living services, as provided for in article 32 of the law on the rights of persons with disabilities and in line with the Committee's general comment No. 5 (2017) on living independently and being included in the community.

Personal mobility (art. 20)

15. Please provide information on the measures taken to make available quality assistive devices, technologies and services to persons with disabilities, including for repair and manufacturing, through increased subsidies, and to enable persons with disabilities to make their own choices in that regard.

Freedom of expression and opinion, and access to information (art. 21)

16. Please provide information on steps taken to:

(a) Ensure that all persons with disabilities, including those with hearing, visual, psychosocial and/or intellectual disabilities, can access information and communication in accessible modes, means and formats, in a timely manner and without additional cost, and provide information on the percentage of media produced in these formats;

(b) Ensure implementation of article 12 of the law on the rights of persons with disabilities, which recognizes sign language as an official language, and promote the training of qualified sign language interpreters and the use of sign language in all settings;

(c) Improve procurement and investment for assistive technologies.

Respect for home and the family (art. 23)

17. Please provide information on the progress made to repeal all laws, including the provisions of the Family Law, that prevent people with disabilities from marrying and from exercising their parental rights, including the right to adoption, and to provide appropriate assistance to people with disabilities in the performance of their child-rearing responsibilities.

Education (art. 24)

18. Please provide information on the measures taken, in line with the Committee's general comment No. 4 (2016) on the right to inclusive education, to adopt specific policies and programmes, with adequate human and financial resources, for the implementation of an inclusive education system, in order to increase the number of children with disabilities attending mainstream preschool, primary and secondary schools, with reasonable accommodation in schools for children with disabilities, particularly in rural areas. Please also indicate what progress has been made towards making education for children with disabilities a mandatory part of the teacher training syllabus and providing options for advanced training on this topic.

19. Please explain the outcome of the Education Master Plan 2006–2015 and how it has addressed the educational needs of children with disabilities. Please also explain the rationale and assessment criteria for children with disabilities that results in their categorization as children with "minor" or "major" disabilities.

Health, habilitation and rehabilitation (arts. 25–26)

20. Please provide information on the measures taken to:

(a) Ensure access for people with disabilities to comprehensive and affordable health services, particularly sexual and reproductive health services, maternal and child health services, psychosocial services and comprehensive community-based rehabilitation services, including supported decision-making tools, in rural and isolated areas;

(b) Provide training on the rights of persons with disabilities for medical and health personnel, notably with a view to ensuring that all persons with disabilities, regardless of the nature of their impairment, have the right to free and informed consent.

Work and employment (art. 27)

21. Please provide information on the progress of amendments to the labour and employment promotion laws and on the measures taken to improve the vocational capacity of persons with disabilities, along with other reinforcing statutory measures, such as effective monitoring of the quota system and development of new disability employment policies. Please indicate whether the State party plans to increase and monitor the financial penalties for non-compliance with the quota.

Adequate standard of living and social protection (art. 28)

22. Please provide information on the measures taken to increase social support for persons with disabilities in line with the minimum wage and the minimum standard of living. Please include information on the progress made towards the revision of the Social Welfare Act and the development and implementation of compensation schemes for disability-related extra expenses incurred by persons with disabilities and their families.

Participation in political and public life (art. 29)

23. Please provide information on progress made to repeal article 11 (5) of the 2015 electoral law that restricts the right of persons with disabilities to vote and to stand for election based on disability, and to develop appropriate legal measures to ensure the full participation of persons with disabilities, particularly those with psychosocial and/or intellectual disabilities, in elections and public life as citizens, voters and candidates. Please also report on the measures the State party plans to take to improve the accessibility of polling stations for all persons with disabilities.

Participation in cultural life, recreation, leisure and sport (art. 30)

24. Please provide information on measures taken to ensure that cultural materials and content are accessible to persons with disabilities, including through information and communications technologies, and the steps taken towards the implementation of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

25. Please provide information on the measures taken to use the human rights-based model to collect data and statistics disaggregated by sex, age, place of living and type of impairment/barriers encountered. Please also provide information on the progress made by the National Statistics Committee and the Ministry of Labour and Social Protection to

develop a comprehensive database of persons with disabilities. Furthermore, please explain the purposes for which persons with disabilities are registered.

26. Please provide information on the measures taken to include disability-related questions and information in formats accessible to persons with disabilities in the 2020 census and to conduct relevant training for staff of the National Statistics Committee.

International cooperation (art. 32)

27. Please inform the Committee about the efforts made to ensure that development policies and foreign aid programmes are disability-inclusive. Please also inform the Committee about the extent to which international cooperation has contributed to organizations of persons with disabilities at both the international and regional levels.

National implementation and monitoring (art. 33)

28. Please provide information on:

(a) The measures taken to bring the National Commission on Human Rights into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and to ensure that it is allocated adequate human, financial and technical resources to monitor the implementation of the Convention;

(b) The measures taken to ensure the full participation of persons with disabilities, through their representative organizations, in monitoring the implementation of the Convention;

(c) A coordination mechanism within the government structure to facilitate the effective implementation of the Convention.